

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

**NOTICE OF MOTION BY
MICHAEL L. MACKLOWITZ, ESQ.
TO WITHDRAW AS COUNSEL OF
RECORD TO ALICIA DIMICHELE**

Cr. No. 10 -147(S-1)(SLT)

JAMES BOMBINO, *et al.*

Defendants.
-----X

SIR OR MADAM:

PLEASE TAKE NOTICE, that upon the annexed affirmation of MICHAEL L. MACKLOWITZ, Esq. dated June 3, 2011, attorney for defendant, ALICIA DIMICHELE, and upon all prior proceedings herein, counsel will move this Court before the Hon. Sandra L. Townes, United States District Judge, at the United States Courthouse for the Eastern District of New York, located at 225 Cadman Plaza East, Brooklyn, New York, at a date and time to be determined by the Court, for an order allowing the undersigned to withdraw as counsel of record for defendant, Alicia Dimichele, pursuant to Local Rule 1.4 and such other and further relief as this Court deems just and proper.

Dated: New York, New York
June 6, 2011

Respectfully submitted,



Michael L. Macklowitz, Esq.
Attorney for Alicia Dimichele
Office and P.O. Address
299 Broadway, Suite 1405
New York, New York 10007
Telephone: 212 227 6655

CLERK - ECF

United States District Court
Eastern District of New York
225 Cadman Plaza
Brooklyn, New York 11201

AMY BUSA, AUSA

MICHAEL TREMONTE, AUSA

United States Attorneys Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201

UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,

-against-

JAMES BOMBINO, *et al.*,

Defendants.

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Cr. No. 10 Cr. 147 (S-1) (SLT)

AFFIRMATION

Michael L. Macklowitz, hereby declares pursuant to 28 U.S.C. sec. 1746 as follows:

1. I am an attorney duly admitted to practice law in the State and Federal Courts of New York with my office at 299 Broadway, Suite 1405, New York, New York.
2. I represent Alicia Dimichele, a/k/a Alicia Garofalo in the above captioned matter and, as such, I am fully familiar with the facts and circumstances of this case.
3. This affirmation is submitted in support of counsel's application to withdraw as counsel to Alicia Dimichele.
4. The status of this matter is that motions have been fully submitted by the parties and have been argued on May 27, 2011. The Court has directed counsel to submit additional argument on the issue of severance in that there are potential conflicts of defense strategy that would prevent my client from receiving a fair trial. I am hopeful that I will be submitting the papers shortly.
5. Trial has been set for August 15, 2011.
6. Counsel's request to withdraw is based upon Ms. Garofalo's inability to pay for her trial defense.
7. Counsel was initially retained in March 2010. Since that time there has been no additional payments toward legal fees or costs associated with this matter.
8. Ms. Dimichele was arrested in March 2010 together with her husband Edward Garofalo who is charged in the Rico Conspiracy.

9. On November 4, 2010, Ms. Dimichele together with her husband, Edward Garofalo were charged with seven co-defendants in a fourteen count Superceding Indictment, for which Edward Garofalo remains incarcerated without any conditions of bail as ordered by this Court.

10. This matter has been marked a complex case.

11. While her husband remains incarcerated, and has been afforded assigned counsel, Ms. Dimichele has been earning some money from a small clothing business she owns. However, with three children, she barely survives, let alone has the finances to pay for her trial defense.

12. Ms. Dimichele survives primarily from the financial support she receives from relatives and friends.

13. Notwithstanding the lack of further funding, counsel has continued to represent her.

14. It is clear that in preparing for her trial my office will need to expend a substantial amount of time and energy for which Ms. Dimichele does not have the ability to pay.

15. I believe that in her present financial condition, she is a candidate for assigned counsel.

16. There remains two and a half months before trial and it is submitted that assigned counsel has sufficient time to prepare her defense.

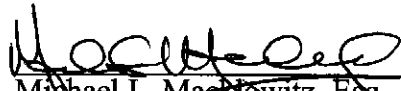
17. I am a sole practitioner and the amount of work that remains in preparation for trial will require a substantial commitment of time and resources from my office.

18. Gino Josh Singer, Edward Garofalo's former counsel, prior to his stroke in October 2010, shared office space with your deponent for the past twenty years. Since October 2010, I have been actively involved in sorting through Mr. Singer's caseload to insure the that his client's are not prejudiced by his sudden illness. This has and continues to be a substantial drain on the resources of my office.

19. For the reasons set forth herein it is respectfully requested that this Court grant counsel's request to withdraw.

WHEREFORE, for the reasons set forth herein, it is respectfully requested that this Court grant the relief requested.

Dated: June 6, 2011
New York, New York


Michael L. Macklowitz, Esq.
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Attorney for Alicia Dimichele